

REMARKS

Reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks is respectfully requested.

By this Amendment, claims 1, 2, 12, and 16 are amended. In addition, new claims 37 and 38 are added to secure an appropriate scope of protection to which Applicants are believed entitled. The subject matter of new claims 37 and 38 is based upon deleted features of independent claims 1 and 16, respectively. Accordingly, claims 1-22 and 24-38 are pending in this application.

Claims 1-22 and 24-36 stand rejected under 35 U.S.C. §103(a) over Richton (US 6,650,902) in view of one or more of Iwatsuki et al. (US 2004/0019676), Beauregard et al. (US 2004/0193373), Chen (US 2004/0119612), and well known prior art (MPEP 2144.03). In response, the claims are amended, and as presented below, are believed to be patentable over the applied art for the failure of the applied art to not only disclose, teach or suggest all of Applicants' recited claim features.

As amended, independent claim 1, recites, *inter alia*, a test device, in electrical communication with the mobile communication terminal, the test device configured to receive and execute a LBS (Location Based Service) wireless network analysis program, wherein the LBS wireless network analysis program is configured to:

receive from the mobile communications terminal the navigation data transmitted by the mobile communications terminal to the position determining server;

receive from the mobile communications terminal GPS satellite longitude and latitude coordinate values received from the position determining server;

analyze and process the information received from the mobile communications terminal;

classify the processed data by at least one classification reference; and
display classified data in the format of text or graph.

Applicants respectfully submit that the combination of Richton/Iwatsuki/Beauregard/Chen fails to disclose at least the above recited features of claim 1. Applicants' apparatus and method is distinguished from the applied art in that none of the references recites a test device in communication with a mobile terminal, wherein the test device receives and displays the positions of GPS satellites.

Richton, in the Abstract, and at column 2, lines 41 - 58, appears to only disclose a method and apparatus that provides location-based information to a wireless mobile device. Indeed, Richton appears to only disclose wherein the information provided relates to the position of the wireless mobile device and not to the position of a GPS satellite, as recited in claim 1.

Iwatsuki appears to only relate to a network monitoring system and nowhere even mentions satellite positioning or GPS.

Although Beauregard relates to a method and system for monitoring a constellation of GPS satellites, Beauregard appears to only disclose GPS receivers on board satellites, and fails to disclose a test device in communication with a mobile device, wherein the test device receiving the satellite position information transmitted to the mobile device from the positioning server, the test device displaying the positions of the tracked GPS satellites.

Lastly, Chen appears to only disclose displaying traffic flow and route selection and is clearly distinguished from a test device that displays position information of a plurality of GPS satellites.

Therefore, based upon the above features of amended claim 1, Applicants respectfully submit that the alleged combination of references fails to disclose at least the test device of the monitoring system of claim 1. Accordingly claim 1 is patentable over the alleged combination of references.

Independent claims 12 and 16 recite, respectively, a method claim and a Beauregard claim based upon the apparatus of claim 1, and are likewise allowable over the combination of Richton/Iwatsuki/Beauregard/Chen. Claims 2-11, 13-15, 17-22, and 24-36 depend variously from these independent claims and are likewise patentable over the asserted combination of references for at least their dependence on an allowable base claim, as well as for the additional features they recite. Accordingly, withdrawal of this rejection is respectfully requested.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,
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